

REMARKS

Reconsideration of the application is requested.

Claims 1-28 remain in the application and are subject to examination.

Under the heading “In the Specification” on page 2 of the above-identified Office Action, the Examiner objected to the specification because headings were not provided.

Applicants appreciate the indication of the problem and the Examiner’s suggested corrections have been made.

Under the heading “Claim Rejections – 35 USC § 102” on page 3 of the above-identified Office Action, claims 11-28 have been rejected as being fully anticipated by U.S. Patent No. 6,690,271 B2 to Fischer et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

On page 3 of the Office action the Examiner has made the following comments and associations in attempting to relate the invention defined by claim 11 to the prior art. The Examiner has associated the transmitters 11a and 13a with a first transmitter group and the transmitters 7a and 9a with a second transmitter group. The Examiner has also identified a receiver 23 with an antenna, and a controller 5. The Examiner additionally appears to be stating that the controller 5 may store information as a discrete or continuous profile and compare the

corresponding stored characteristic variables with maximum and minimum values located in the memory. The Examiner has repeated the same comments regarding claim 23.

Even if applicants were to accept the Examiner's comments and associations as being true, the Examiner has not discussed several features defined in claims 11 and 23 and has not pointed out where such features can be found in the prior art.

Applicants respectfully believe that clearly the teaching in Fischer et al. (6,690,271 B2) does not anticipate the claimed invention. To be brief, step (f) of claim 11 requires a difference to be determined from an average of one reception value in one transmitter group and an average of another reception value in another transmitter group and requires a comparison between this difference and a threshold value. Claim 23 includes a similar limitation. In contrast thereto, Fischer et al. merely teach comparing a reception value with a stored value.

The teaching of Fischer et al. will now be reviewed and the claims will be discussed in more detail.

At column 8, lines 3-44, Fischer et al. teach a simple method for assigning the detector units 7, 9, 11, and 13 to specific wheel positions. In this assignment of the detector units 7, 9, 11, and 13, the evaluation and control unit 5 compares

the mean reception power of the received signature signal and the associated angular position information in the received signature signal with profiles that have been stored for each wheel position. The assignment is based on determining the closeness of the correspondence between the stored profiles and the received signature signals.

Figs. 3a-3d are used to explain more complex options for assigning the detector units 7, 9, 11, and 13 to specific wheel positions. Column 8, line 48 through column 9, line 11 refer to Fig. 3a and teach that a correlation coefficient can be compared to a limit value and that the correlation coefficient can be determined in a manner that is not dependent on the angular displacement.

Column 9, lines 12-57 refer to Fig. 3b and teach that the influence of different transmitter power levels can be reduced by standardizing both the stored signature profile and the registered profiles so that the maximum value in each case is set to 1. The assignment is carried out such that a registered profile is compared with each stored signature profile, and an assignment is made to a particular wheel position that is assigned to that stored signature profile at which the comparison has yielded the smallest value for the sum of the squares of the distances.

Column 9, line 58 through column 10, line 8 refer to Fig. 3c and teach that the influence of vertical shifts in the registered curves with respect to the stored

curve can be eliminated by comparing the distances and the angular spacing between the maximum and minimum values.

Column 10, lines 9-15 refer to Fig. 3d and teach making an assignment based on the mean values of both of the stored signature profile and of the registered profiles.

Fischer et al. do not teach (a) assigning a portion N of the emission units to a first transmitter group and assigning another portion M of the emission units to a second transmitter group, and assigning a local region to each transmitter group.

Fischer et al. do not teach anything relating to (e) allocating N reception signals with N highest average values or the respective emission units to the first transmitter group, and allocating M reception signals with M lowest average values or the respective emission units to the second transmitter group.

Importantly, Fischer et al. do not teach (f) determining the reception signal of the first transmitter group with a smallest average value and the reception signal of the second transmitter group with a highest average value, and comparing a difference in amount of the smallest and highest average values or a ratio thereof with a predetermined reliability threshold value.

With regard to step (f) in claim 11, Fischer et al. merely teach comparing a stored signature profile with registered profiles (the received signals). In contrast, step (f) of claim 11 requires a difference to be determined from an average of one reception value in one transmitter group and an average of another reception value in another transmitter group and requires a comparison between this difference and a threshold value.

Importantly, Fischer et al. do not teach (g) accepting the allocation (see step e) of the reception signals or the respective emission units of the first or second transmitter groups or the local regions allocated thereto as being correct only if the difference in amount or the ratio of the average values is greater than the reliability threshold value; and (h) if the difference in amount or the ratio of the average value is less than the reliability threshold value, using at least one additional decision criterion for allocating the reception signals or the respective emission units to the transmitter groups or the local regions thereof, and/or an additional criterion for testing a reliability of a correct allocation.

Claim 23 includes similar limitations as claim 11 and therefore a detailed analysis will not be repeated. Reference can be made to element (f) of claim 23, for example, and it should be clear that the limitation recited therein is not anticipated.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 11 or

23. Claims 11 and 23 are, therefore, believed to be patentable over the art.

The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 11 or 23.

In view of the foregoing, reconsideration and allowance of claims 11-28 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
(Reg. No. 29,308)

MPW/bb

October 9, 2007

Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101